

IDAHO BOARD OF ACUPUNCTURE
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 4/6/2018

BOARD MEMBERS PRESENT: Charles W Raymond - Chair
Marlene F Strong
Naomi L Jankowitz-Brownson
John Downey
Ethan S Fisher

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Candace Villarreal, Board Specialist

OTHERS PRESENT: Gretchen Huettig, L.Ac.

The meeting was called to order at 1:06 PM MDT by Charles W Raymond.

APPROVAL OF MINUTES

Ms. Brownson made a motion to approve the minutes of 1/8/2017. It was seconded by Mr. Fisher. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session.

Ms. Cory reported that Senate Bill 1316a, which allows respondents to collect costs and fees when they are found not to be in violation of the Boards laws and rules, passed the Senate and the House. Designated Board Members worked with the Sponsors on some amendments to the bill. Of particular concern was amending the bill to include that respondents must be in compliance with a payment arrangement. The Governor did not sign the bill but will let it go into effect (7/1/18) without his signature.

Mr. Ellsworth discussed House Bill 623 regarding significant changes to the Administrative Procedures Act. The bill passed the House and was sent to the

Senate Judiciary and Rules Committee. The designated Board members signed and sent a letter to Patty Ann Lodge, chair of the Judiciary and Rules Committee. The bill did not receive a hearing in the Senate. Now that the Legislature has adjourned, the bill is dead for this year.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$97,229.18 as of 3/31/2018.

DISCIPLINE

Ms. Uranga presented a Stipulation and Consent Order in case number ACU-2018-1. Dr. Downey made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Strong. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Peel discussed case number ACU-2018-2. Mr. Raymond recused himself. After discussion, the Board gave recommendations to close the case with a warning letter. Mr. Fisher made a motion to close the case and send an advisory letter. It was seconded by Ms. Brownson. Motion carried.

COMPLAINTS, VOLUNTARY SURRENDER, COLLECTIONS PROCESS

Ms. Peel discussed with the Board the processes for, voluntary surrender and collections, regarding fees, settlements, collections and payment plans. No action was taken.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

EXECUTIVE ORDER

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board Specialist to work with the Board Chair to prepare the final draft for review and final approval on the June 1 conference call. In response to the Executive Order review, Mr. Fisher made a motion to implement a policy change to direct the Board Specialist to notify the Board Chair when any application becomes complete, allowing a determination at the discretion of the

Board Chair, to schedule a conference call within 30 days to review applications. It was seconded by Ms. Brownson. Motion carried

PROPOSED LAWS AND RULES

Ms. Callahan reviewed a draft of proposed rule changes regarding acupuncture trainee permits and supervision. The Board discussed setting some requirements regarding a supervisor's responsibilities. There was discussion regarding whether to require a course on clean needle techniques prior to receiving a permit or whether that would be a burden on the applicant, particularly if the trainee's initial practice is under the direct supervision of a licensed or certified acupuncturist. The Board discussed provisions including varying degrees of supervision as the trainee progresses, and what information must be included in reports. The Board agreed that the clean needle technique course should be taken by the trainee before the trainee is permitted to practice on patients without direct supervision. A revised draft of the rules proposed changes will be brought to the next Board meeting and the Board will decide whether to move forward this year with the rulemaking at that time.

NEW BUSINESS

NEXT MEETING is scheduled for **July 27, 2018 1:00 PM MDT**

ANOTHER MEETING was scheduled for **October 12, 2018 1:00 PM MST**

ANNOUNCEMENT

Ms. Brownson announced her retirement from the Board. Ms. Brownson left the meeting.

CORRESPONDENCE

SCOPE OF PRACTICE

The Board reviewed correspondence from Mr. Corry Meyers regarding information on Scope of Practice and if it included induction of labor and insurance billing. Ms. Strong made a motion to direct Mr. Ellsworth to assist the Board Specialist in drafting a letter of response advising Mr. Meyers to seek legal counsel.

COUNCIL ON LICENSURE, ENFORCEMENT & REGULATION ANNUAL CONFERENCE

The Board reviewed a flyer regarding the annual CLEAR Conference to be held in Philadelphia September 26-29. It was determined that Board members would take time to go to the CLEAR website and review the agenda for the conference for items that may affect the Executive Order or the Board and that a discussion

on attendance at the conference would be held at the next face-to-face Board meeting on July 27.

EXECUTIVE SESSION

Mr. Fisher made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Strong. The vote was: Dr. Downey, aye; Mr. Fisher, aye; Ms. Strong, aye; and Mr. Raymond, aye. Motion carried.

Dr. Downey made a motion to come out of executive session. It was seconded by Ms. Strong. The vote was: Mr. Fisher, aye; Dr. Downey, aye; Ms. Strong, aye; Mr. Raymond, aye. Motion carried.

APPLICATIONS

Mr. Fisher made a motion to approve the following for licensure:

Callie Blackwood	ACUA-350
Jaime Davis	ACUA-348
Sonya Wool	ACUA-349

It was seconded by Ms. Strong. Motion carried.

Mr. Fisher made a motion to approve, pending receipt of documents and Board member review, the following for licensure:

901-025-133

It was seconded by Ms. Strong. Motion carried

Mr. Fisher made a motion to approve, pending receipt of documents, the following for licensure:

901-157-863
901-157-719

It was seconded by Ms. Strong. Motion carried

Mr. Fisher made a motion to table the following application pending receipt of documents and Board review:

901-156-862

It was seconded by Ms. Strong. Motion carried

NEXT MEETING is a conference call scheduled for **June 01, 2018 1:00 PM MDT**

ADJOURNMENT

Mr. Fisher made a motion to adjourn the meeting at 4:50PM MDT. It was seconded by Dr. Downey. Motion carried.

Charles W Raymond, Chair

Marlene F Strong

Naomi L Jankowitz-Brownson

John Downey

Ethan S Fisher

Tana Cory, Bureau Chief